

*Holwell, S.*UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL CARBONI and :  
C.O.M. TRADING, INC., :  
Plaintiffs, :  
: ORDER TO SHOW CAUSE  
- against - : WITH INTERIM STAY  
:  
BOB LAKE and R.J. O'BRIEN & :  
ASSOCIATES, INC., :  
Defendants. :  
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Upon reading and filing the Affidavit of Michael O. Ware, sworn to February 7, 2008, and the Affidavit of Anne M. Farris, sworn to February 6, 2008, and upon all prior proceedings herein,

LET plaintiffs Michael Carboni ("Carboni") and C.O.M. Trading, Inc. show cause in Courtroom 17B of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, before the Hon. Richard J. Holwell, at March 6, 2008, why an Order should not be made permanently staying certain arbitration proceedings commenced by Carboni before the National Futures Association, under the style *Carboni v. R.J. O'Brien and Associates, LLC et al.*, NFA Case No. 07-ARB-175 (the "NFA Arbitration"), and continuing the stay previously entered in this action in favor of arbitration before the New York Mercantile Exchange, Inc.

Sufficient reason appearing therefor, it is hereby

ORDERED all proceedings in the NFA Arbitration are stayed pending  
further order of this Court; and it is further

ORDERED that a copy of this order, together with the papers on which it  
was made, be served by hand or by overnight delivery service (i) on plaintiffs' attorneys of  
record in this action, Pierre Sussman, Esq., 2197 Seventh Ave., New York, New York  
10027, and Herman Wun, Esq. 26 Broadway, 25th Fl., New York, New York 10004;  
(ii) on the attorney whose name appears on the claim Carboni filed in the NFA Arbitration,  
Harold P. Gernerter, Esq., Gernerter & Associates, 5440 W. Sahara Ave., 3d Fl., Las  
Vegas, Nevada 89146; and (iii) on Carboni himself, at the address from which he wrote the  
Court in November 2007, 2911 E. Viking Rd., Las Vegas, Nevada 89146, and that such  
service, if completed before February 15, 2008, be deemed sufficient notice of this  
application; and it is further

ORDERED that any papers in opposition to this application be served so as  
to be received by defendants' attorneys, Mayer Brown LLP, 1675 Broadway, New York,  
New York 10019, no later than 1:00 P.M. E.S.T., February 29, 2008, and filed, with  
copies to the chambers of Judge Holwell, immediately thereafter.

SO ORDERED.

Dated: New York, New York  
February 11, 2008

Hon. RICHARD J. HOLWELL  
United States District Judge

*RICHARD J. HOLWELL, U.S.D.J.*